## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.       :  **10/562,872**

Applicant(s)  :  **FROIDCOEUR et al.**

Filed            :  **12/29/2005**

TC/A.U.       :  **2444**

Confirmation :  **6756**

Examiner     :  **HUSSAIN, Farrukh**

Atty. Docket :  **NL030821US**

Title:   **EMBEDDING A UPNP AV MEDIASERVER OBJECT ID IN A URI**

## Pre-Appeal Brief Request for Review

Mail Stop **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office action of 30 July 2010, applicant(s) request(s) review of the final rejection in the above referenced application. No amendments are being filed with this request. This paper is being filed with a notice of appeal.

Claims 13-21 stand rejected under 35 U.S.C. 101.

Claims 1-3, 5-7, 9-11, and 13-27 stand rejected under 35 U.S.C. 103(a) over Weast (USP 7,454,511) and Salmonsen et al. (USPA 2003/0220781, hereinafter Salmonsen).

Claims 4, 8, and 12 stand rejected under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh et al. (USP 7,065,574, hereinafter Saulpaugh).

**This review is requested for the reason(s) stated on the attached sheet(s).**

## CLEAR ERRORS IN THE EXAMINER'S REJECTION(S):
## Claim 13 specifically claims a "device" and is
## patentable under 35 U.S.C. 101

Claim 13, upon which claims 14-21 depend, claims a device that comprises a UPnP interface, a renderer, and a controller, the controller being configured to receive a content directory from a media server. The Examiner asserts "the media server could be software. There is nothing in the specification [that] would lead one to believe that the media server is a hardware" (Office action, page 5, lines 18-20). This assertion is incorrect, and irrelevant to the claimed device.

A media server cannot be software, per se (by itself). Software by itself cannot perform any function, and in this case, software by itself cannot communicate a content directory to the claimed device. Software must be executed on a machine in order to perform any function.

Further, the applicants do not claim a media server. Regardless of whether the media server is statutory subject matter under 35 U.S.C. 101, its status is immaterial to whether the claimed device is statutory. Consider, for example, if one claimed a device that received information from a (human) user. Obviously, one cannot patent a human, but whether or not a human is patentable has no bearing on the patentability of the device.

Because the Examiner's assertion is incorrect and immaterial to whether the device of claim 13 is patentable, the applicants respectfully maintain that the rejection of claims 13-21 under 35 U.S.C. 101 is improper and should be withdrawn.

## Salmonsen does not disclose receiving a URI representative of
## a Content Directory Service description

Claim 1, upon which claims 2-4 depend, includes enabling a MediaRenderer-Control Point combination to receive a URI representative of a Content Directory Service description. Independent claims 5, 9, and 13 include similar features. Independent claim 22 includes receiving a URI corresponding to a context of a content item within a media server.

As the plain language definition of the term implies, and as disclosed by the applicants, a Content Directory Service (CDS) description is a description of a <u>directory</u> of media content.

> "On network 100, content items are stored in a hierarchical view, similar to folders in an electronic file system. As to this hierarchical view, a UPnP AV Content Directory Service (CDS) 108 enumerates content available through the associated [Media Server] MS 104 from resources 110, 112, ..., 114. CDS 108 exposes a class hierarchy, which is used to identify all objects that can be retrieved from it. (Applicant's page 8, lines 4-7.)
>
> The information in the special URI can be used to present to the user the context of the item previously selected, i.e., a view on the directory structure of the CDS, as it was at the moment the item was selected for playback at MR 202." (Applicant's page 10, lines 1-5.)

Of particular note, the CDS is a <u>directory</u> of all of the content items that are available through the media server. An identifier of one particular content item is not a CDS. Communicating the URIs that identify the individual content items is not equivalent to communicating a URI that identifies a <u>directory</u> of these content items.

As the Examiner notes, Salmonsen discloses a media directory 518 at a server 500 that includes a directory of content items at each media source. However, Salmonsen does not disclose creating a <u>URI that identifies this media directory</u> 518, and does not disclose that this (non-existent) URI is communicated from the media server 500 to a media renderer or other client device.

The Examiner asserts that "when the media directory stores URI that identifies the content resources, that identification [of the individual content resources] is the description of the media directory" (Office action, page 4, lines 15-17). This assertion is both incorrect and immaterial to the applicants' claimed receiving of a URI that identifies the media directory. As noted above, storing URIs in a directory is not equivalent to providing a URI that represents the directory. Further, the fact that Salmonsen's media server 500 has a media directory does not address the claimed feature of <u>receiving a URI that identifies the media directory</u>.

Because the Examiner's assertion that Salmonsen's storage of a collection of URIs in a directory is equivalent to providing a URI that describes the directory is clearly erroneous, the applicants respectfully maintain that the rejections of claims 1-

18 and 20-27 under 35 U.S.C. 103(a) that are based on this assertion are unfounded, and should be withdrawn.

## THE EXAMINER'S OMISSIONS OF ONE OR MORE ESSENTIAL ELEMENTS NEEDED FOR A PRIMA FACIE REJECTION:
### The Examiner fails to identify where the prior art discloses receiving a URI that represents a directory.

The Examiner acknowledges that Weast does not disclose receiving a URI representing a Content Directory Service description, and relies on Salmonsen for this teaching. As noted above, the Examiner has not identified where Salmonsen discloses a URI that identifies the media directory 518, and has not identified where Salmonsen discloses communicating such a URI.

Because the Examiner has failed to identify where the prior teaches a URI that corresponds to a directory, as specifically claimed in each independent claim 1, 5, 9, and 13, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejections of claims 1-3, 5-7, 9-11, and 13-21 under 35 U.S.C. 103(a) over Weast and Salmonsen, and claims 4, 8, and 12 under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh. Accordingly, these rejections are unfounded and should be withdrawn.

### The Examiner fails to identify where the prior art discloses receiving a URI that corresponds to a context of a content item.

With regard to claim 22, upon which claims 23-27 depend, the Examiner acknowledges that Weast does not disclose receiving a URI corresponding to a context of a content item and does not disclose receiving the context of the content item based on the URI, cites the following to support the assertion that Salmonsen provides this teaching:

> "(see paragraph 0009, lines 1-15 <u>receive media content</u> from the out-of-band communication link and emulate the internal media content source so that the media renderer <u>renders</u> [sic] and see paragraph 0123, lines 1-15 The media directory 518 <u>stores</u> Uniform Resource Identifiers (URIs) that <u>identify content resources</u> and see paragraph 0012, lines 1-13 The communication

*system further comprises an emulator coupled to the media renderer and a control point. The emulator is capable of <u>receiving media content</u> in a non-native format). (Office action, page 18, lines 3-10, underlines added.)*

As is clearly evident, in this rejection, the Examiner does not identify where Salmonsen discloses receiving a URI that corresponds to the **context** of a content item. The Examiner merely identifies where Salmonsen discloses URI's that correspond to the individual **content items**, and where Salmonsen discloses receiving the **content items** based on the URI.

Because the Examiner has failed to identify where the prior art discloses a URI corresponding to a context of a content item and has failed to identify where the prior art discloses receiving the context of the content item based on the URI, as specifically claimed in independent claim 22, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejection of claims 22-27 under 35 U.S.C. 103(a) over Weast and Salmonsen.

## The Examiner fails to identify where the prior art discloses the specific elements of dependent claims 3-4, 7-8, 11-12, and 21

Claim 3 recites providing a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol. Claims 7, 11, and 21 include similar features, and claims 4, 8, and 12 are dependent upon claims 3, 7, and 11, respectively.

The Examiner asserts that Salmonsen provides this teaching at [0050] and [0125]. This assertion is incorrect; at the cited text, Salmonsen discloses:

> "In some embodiments, the serial controller of the interface controller 210 can support a Serial Peripheral Interface (SPI) protocol that defines a full-duplex, synchronous, character-oriented data channel between master and slave devices using a four-wire interface. The master interface operates in broadcast mode with the slave interface activated using a select signal. The SPI operation mode converts simple parallelserial data to stream serial data between memory and a peripheral." (Salmonsen [0050].)

> "The server 610 manages accessing and streaming of content to the emulator-enabled media player 612. The emulator-enabled media player 612 receives content from the server 610 and performs or presents the content.

In a particular embodiment, the audio-visual system 600 can be a video system that plays video content from multiple sources on an emulator-enabled DVD player." (Salmonsen [0125].)

As is clearly evident, nowhere in the cited text does Salmonsen disclose a string that refers to the content item and the context, and nowhere in the cited text does Salmonsen disclose determining a subsequent URI based on this (non-existent) string. At [0050], Salmonsen discloses a data-to-stream converter, which is immaterial to the claimed features, and at [0125], Salmonsen discloses the rendering of received stream content, neither of which address a string that refers to a context, or the determination of a subsequent URI based on the string.

Because the Examiner has failed to identify where Salmonsen discloses providing a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol, the applicants respectfully maintain that the Examiner has failed to establish a prima facie case to support the rejections of claims 3, 7, 11, and 21 under 35 U.S.C. 103(a) over Weast and Salmonsen and claims 4, 8, and 12 under 35 U.S.C. 103(a) over Weast, Salmonsen, and Saulpaugh. Accordingly, the applicants respectfully maintain that these rejections are unfounded, and should be withdrawn.

Respectfully submitted,


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